

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
(Philadelphia)**

IN RE:

**Shahidul Gaffar**

Debtor

CHAPTER 13

CASE NO.: 21-12804-mdc

HEARING DATE: 05/17/2022

TIME: 10:30 a.m.

LOCATION: COURTROOM #2

**MOTION OF PENTEX HOLDINGS, LLC, FOR RELIEF FROM THE AUTOMATIC  
STAY PROVISIONS OF 11 U.S.C. § 362(A) AND CO-DEBTOR STAY PROVISION OF  
11 U.S.C. § 1301 TO PERMIT MOVANT TO COMMENCE OR CONTINUE  
FORECLOSURE PROCEEDINGS ON 212 N. SPRINGFIELD ROAD, CLIFTON  
HEIGHTS, PA 19018**

AND NOW COMES, PENTEX HOLDINGS, LLC (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for relief from the automatic stay provisions of 11 U.S.C. §362(a) and co-debtor stay provision of 11 U.S.C. §1301 to permit Movant to continue its foreclosure on real property located at 212 N. Springfield Road, Clifton Heights, PA 19018 (the “Mortgaged Premises”).

2. On or about March 5, 2004, Abdul Gaffar and Shahidul Gaffar (“Borrowers”) executed and delivered to America’s Wholesale Lender a Promissory Note (“Promissory Note”) in the principal amount of \$131,200.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Borrower granted Mortgage Electronic Registration Systems, Inc. as nominee for America’s Wholesale Lender a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the Delaware County Recorder of Deeds Office on March 23, 2004 in Book 3121 at Page 413. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the full recorded Assignment of Mortgage Chain is attached hereto and made apart hereof as Exhibit “C.”

5. Borrower entered into a loan modification with the Nationstar Mortgage LLC on or about June 18, 2015. A true and correct copy of the loan modification agreement is attached hereto and made apart hereof as Exhibit “D”.

6. On October 14, 2021, Debtor filed petition for relief under Chapter 13 of the United States Bankruptcy Code.

7. The Debtor in their Schedules filed December 5, 2021 states that the current value of the Mortgaged Premises is \$266,200.00, after consideration of cost of sale.

8. Proof of Claim was filed by Movant on December 21, 2021 as Claim #8-1. The Proof of Claim is in the amount of \$214,088.07 with pre-petition arrears due in the amount of \$96,011.55 together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises.

9. The current monthly payment on the Mortgage is \$1,186.37.

10. On or about December 5, 2021, Debtor filed the Chapter 13 Plan. The plan proposed for Debtors to pay post- petition payments directly to Movant.

11. The Debtors are currently in arrears post-petition for their failure to pay the post-petition payments due February 1, 2022 through April 1, 2022, in the amount of \$3,559.10 (\$1,186.36 x 1 month, \$1,186.37 x 2 months) less a suspense balance in the amount of \$878.63, for a total amount due of \$2,680.47.

WHEREFORE, PENTEX HOLDINGS, LLC respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) and co-debtor stay provision of 11 U.S.C. § 1301 to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtors in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other

purchaser at the Sheriff's Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,

By: /s/ Angela C. Pattison

Angela C. Pattison, Esq.,

Attorney ID 307611

Hill Wallack, LLP

1415 Route 70 East, Suite 309

Cherry Hill, NJ 08034

Telephone 856-616-8086

Facsimile 856-616-8081

Email: [apattison@hillwallack.com](mailto:apattison@hillwallack.com)